

CHAPTER 122C

LICENSURE OF FOSTER HOMES

SUBCHAPTER 1. FOSTER HOME STANDARDS

10:122C-1.1 Legal authority

(a) This chapter is promulgated pursuant to the Foster Parent Licensing Act, P.L. 2001, c.419, N.J.S.A. 30:4C-4(h) and 30:4C-26a.

(b) In order to be licensed, a foster home shall demonstrate to the satisfaction of the Division of Youth and Family Services, Department of Human Services that it complies with all applicable provisions of this chapter.

(c) Responsibility for ensuring that foster homes comply with the provisions of the statutes cited in (a) above and of this chapter is delegated by the Department of Human Services to the Division of Youth and Family Services, Bureau of Licensing. The Division is authorized to visit and inspect such homes to determine the extent of their compliance with such provisions.

10:122C-1.2 Definition and types of foster homes

(a) “Foster home” or “home” means a private residence, other than a children’s group home, treatment home or shelter home, in which board, lodging, care and temporary out-of-home placement services are provided by a foster parent on a 24-hour basis to a child under the auspices of the Division or any public or private agency authorized to place children in New Jersey. A foster home shall not be permitted to serve more than five foster children, except that the Division may approve a home for more than five foster children if necessary to keep sibling groups intact or there are other compelling circumstances that warrant an exception.

(b) Foster homes that are subject to the provisions of this chapter are classified as follows:

1. A regular foster home, which serves children in need of temporary out-of-home placement for protective or other social services reasons;

2. A Special Home Service Provider (SHSP) foster home, which serves children who are medically fragile and in need of temporary out-of-home placement;

3. An emergency foster home, which serves children in need of temporary out-of-home placement on an emergency basis for protective services reasons and/or a disruption of a previous placement implemented by the Division;

4. A foster/adopt home, which is approved as a foster home and adoption home, and in which the caregiver has agreed to foster or adopt a child placed in keeping with the child's case goal;

5. A contract foster home, which is directly supervised by a private agency contracted with the Division to provide services to children in need of temporary out-of-home placement for protective or other social services reasons; and

6. A placement agency foster home, which is operated by a public or private placement agency serving children not under the supervision or the auspices of the Division, who are in need of temporary out-of-home placement. The placement agency shall maintain a copy of the Interstate Compact on the Placement of Children (ICPC) approval, signed by the New Jersey Compact Administrator, for each child placed into New Jersey from any other state or political jurisdiction.

10:122C-1.3 Definitions of other terms

(a) The definitions in N.J.A.C. 10:122B, Foster Care, are hereby incorporated into this chapter by reference.

(b) The following words and terms, when used in this chapter, shall have the following meanings:

“Bureau” means the Bureau of Licensing, Division of Youth and Family Services, New Jersey Department of Human Services.

“Case goal” means a specific goal selected for a child receiving services from the Division or another agency which defines and guides case activities to maintain or achieve an appropriate permanent plan.

“Chapter” means the rules contained in N.J.A.C. 10:122C. These provisions constitute minimum baseline requirements below which no home that is subject to the authority of N.J.S.A. 30:1-14 and 30:4C-4 is legally permitted to operate.

“Contract agency” means a private agency under contract with the Division to provide services to children under the auspices of the Division who are in need of temporary out-of-home placement for protective or other social service reasons.

“Corporal punishment” means any type of physical punishment.

“Denial of a license” means the withholding by the Bureau of an initial license for which the home has applied.

“Department” means the New Jersey Department of Human Services.

“Division” means the Division of Youth and Family Services, New Jersey Department of Human Services.

“Foster child” means a child under the care or custody of the Division of Youth and Family Services or another agency who is placed in a foster home because he or she cannot live with his or her own family due to neglect, abuse or other circumstances, and who is either under 18 years of age or who meets the criteria set forth in N.J.S.A. 9:17B-2(f).

“Foster parent” means a person who has a license issued by the Bureau to provide out-of-home care to one or more children.

“Foster parent applicant” means a person who has applied to be a foster parent.

“Household member” means an adult or child other than the foster parent applicant, foster parent or foster child who resides in the foster parent applicant’s or foster parent’s household.

“License” means a document issued by the Division to a person who is in substantial compliance with all applicable provisions of this chapter, provided that no serious or imminent hazard affecting the child(ren) exists in the home.

“Parent” means a birth, stepparent or adoptive parent, legal guardian, or any other person having responsibility for, or custody of, a child.

“Placement agency” means a public or private agency authorized to place children in New Jersey that does not serve children under the supervision or auspices of the Division.

“Primary caretaker” means a foster parent or other adult household member who provides care for a foster child regularly or for significant periods of time.

“Psychotropic medication” means those substances which exert a direct effect upon the central nervous system and which are utilized as a part of a treatment plan to influence and modify behavior in a positive manner.

“Refusal to renew a license” means a determination by the Bureau not to issue a license to a home after its existing license has expired.

“Revocation of a license” means a permanent removal of a home’s current license to operate.

“Shall” denotes a provision of this chapter that a home must meet to qualify for a license.

“Should” denotes a recommendation reflecting goals which a home is encouraged to meet.

“Suspension of a license” means a temporary removal of a home’s license to operate.

“Temporary caregiver” means a person who provides supervision to a foster child on behalf of the foster parent or other primary caretaker with the foster parent’s or other primary caretaker’s expressed approval.

10:122C-1.4 Age

- (a) The foster parent shall be 21 years of age or older and shall provide verification of age. The office manager may waive the age requirement for a foster parent who is between 18 and 21 years of age, if the spouse or partner of the foster parent is 21 years of age or older and living in the home.
- (b) There shall be no upper age limit for foster parents.

10:122C-1.5 Personal and family requirements

- (a) The foster parent shall be able to care effectively for a foster child. The Division or contract agency shall make this determination by a review of personal and professional references; observation of the foster parent's interactions in the pre-service training; observation during the home visit of the foster parent's interaction with household members; and discussion with the foster parent. The Division or contract agency shall assess the following areas:
 - 1. Motivation for taking a foster child into the home;
 - 2. Relationships among immediate and extended family members;
 - 3. Expectations of children;
 - 4. Impact a foster child might have on the family's functioning and the resources available to moderate that impact;
 - 5. Attitude of the foster parent applicant's own children toward accepting a foster child;
 - 6. Foster parent's willingness to accept and care for a foster child despite the child's possible limitations, changing needs and problems;
 - 7. Foster parent's understanding of the positive and negative aspects of foster parenthood;
 - 8. Foster parent's willingness to work through problems and difficult behavior with a foster child;
 - 9. Foster parent's willingness to advocate for a foster child's needs;
 - 10. Foster parent's willingness to accept a foster child's relationship with his or her family and the need to promote the positive aspects of such a relationship;
 - 11. Foster parent's utilization of community resources; and
 - 12. Foster parent's willingness to help a foster child return to his or her own home or be adopted.
- (b) Each foster parent applicant and household member shall provide the Division or contract agency with a medical reference completed by a physician.
- (c) A foster parent must be free of any physical, mental or emotional illness which, in the judgment of the Division or contract agency, would impair his or her ability to assume and carry out the responsibilities of a foster parent.

- (d) A handicap in and of itself shall not disqualify an individual from eligibility as a foster parent.
- (e) Each foster parent applicant and household member shall be free of serious contagious diseases which may put a foster child at risk.
- (f) A foster parent or other household member shall not abuse alcohol or drugs.
- (g) Each child living in the foster home shall have all age appropriate inoculations.
- (h) The Division or contract agency shall evaluate the effect of any disability or disease on the family's ability to care for a foster child.
- (i) The foster parent shall provide the necessities of life for the foster parent's family.
- (j) The foster parent shall have income or other means of financial support that makes the family economically independent of the expected foster care maintenance payment.
- (k) The foster parent shall use all the money received in the name of the foster child for that foster child's care.

10:122C-1.6 Marital status of a foster parent

- (a) A foster parent may be married, co-habiting, single, separated, widowed or divorced.
- (b) When a couple lives together, both partners shall be considered to be foster parents who shall meet the standards contained in this chapter.

10:122C-1.7 Citizenship

- (a) A foster parent may be a citizen of any country.
- (b) If not a United States citizen, a foster parent applicant shall present a visa or U.S. Immigration and Naturalization Service documentation as evidence of legal residency. The Division shall consider how long the foster parent applicant is authorized to remain in this country to determine if the applicant can complete the approval process and serve as a foster parent.

10:122C-1.8 Religion

- (a) The foster parent may be of any religion or be of no religion.
- (b) The foster parent's religious practices shall not interfere with a foster child receiving medical care.
- (c) The foster parent and the Division representative or contract agency employee shall establish a plan to provide the foster child with reasonable opportunities to exercise religious practices in accordance with the foster child's preference and the wishes of the parents.

10:122C-1.9 Child care for the foster child

When a foster child attends a child care center or family day care home, the child care program shall be either licensed, as specified in N.J.A.C. 10:122, or registered, as specified in N.J.A.C. 10:126 and 10:126A, as applicable.

10:122C-1.10 Foster parent's responsibilities to a foster child

- (a) A foster parent shall have the ability to provide for a foster child's basic nutritional, developmental, educational, and health needs. The Division or contract agency shall provide the foster parent with information on nutrition and child health needs through consultation and training. The foster parent shall be responsible for arranging to meet the child's health needs, including an annual medical and dental checkup, as agreed to with the Division or contract agency.
- (b) The foster parent shall use fair, reasonable, and consistent discipline to enhance or modify behavior, based on an understanding of the individual foster child's needs, behavior and stage of development. The foster parent shall not use corporal punishment or words or actions which inflict pain or are emotionally damaging to a foster child as a form of discipline. The Division or contract agency shall provide the foster parent with consultation and training about appropriate disciplinary practices.
- (c) If there is a need for the foster child to transfer to a different school, the Division representative shall obtain the school transfer card promptly and give it to the foster parent. The foster parent shall register the foster child in school, as negotiated with the Division representative or contract agency employee, and ensure that the foster child attends regularly according to school regulations. The foster parent shall encourage good study habits, be involved with the foster child's academic progress, attend school conferences and meet with school

personnel when there are problems or for periodic reviews. The foster parent shall advise the Division representative or contract agency employee about the child's academic progress. The foster parent shall request that the Division representative or contract agency employee attend school conferences and other meetings with school personnel when necessary.

(d) A foster parent, with the assistance of the Division representative or contract agency employee, shall support and encourage the foster child to engage in recreational and social activities appropriate to the age, interests and abilities of the foster child.

(e) A foster parent shall provide or arrange for the routine transportation needs of a foster child. The Division representative or contract agency employee shall identify with the foster parent a foster child's special transportation needs, if any, and how they will be met. Transportation for special needs which is provided by the foster parent shall be reimbursed by the Division with prior office manager approval. Transportation for special needs may include transportation for the treatment of physical, emotional, mental or cognitive conditions or to comply with a court summons or court order.

(f) The foster parent shall ensure the opportunity for the continuity of the cultural and ethnic growth and cultural and ethnic education of any foster child placed in his or her home.

(g) The foster parent shall cooperate with any activities as specified in the case plan (N.J.A.C. 10:133D-2, Case plan), for the foster child such as counseling, therapy or court sessions or visits with the foster child's family, and with N.J.A.C. 10:122C-1.12(b).

10:122C-1.11 Relationship of the foster family to the community

The foster family shall indicate to the Division or the contract agency the components of their support system, such as family members, friends and neighbors.

10:122C-1.12 Relationship between a foster parent and the Division or contract agency

(a) The foster parent and the Division representative or contract agency employee shall develop and maintain a cooperative relationship.

(b) The foster parent shall demonstrate reasonable and mature attitudes toward professional figures and institutions, as determined by a review of

references and an assessment of the foster parent's interactions in the pre-service training and during the home visit(s).

(c) The foster parent shall be bound by the same standards of confidentiality regarding a foster child and his or her family as the Division and its employees. The Division or the contract agency shall inform the foster parent of the standards of confidentiality contained in N.J.S.A. 9:6-8.10a, 45 C.F.R. 205.50 and N.J.A.C. 10:133G.

(d) The foster parent and the Division representative or contract agency employee shall advise each other of any vacation plans, emergencies, unusual occurrences or significant problems involving the foster child.

(e) The Division representative or contract agency employee shall provide the foster parent with a means of access to the Division on a 24-hour basis.

(f) The foster parent shall notify the Division or the contract agency of any change in address, telephone number, living situation, employment or number of persons residing in the household, whenever possible, prior to the change or immediately thereafter. The Division or the contract agency shall assess the changes using the standards set in this subchapter. Any new primary caretaker or spouse of a foster parent shall be required to complete pre-service training within four months of becoming a household member.

(g) The foster parent shall notify the Division or the contract agency within one working day of any change in the health of a foster parent or household member which may adversely affect the foster family's ability to care effectively for a foster child.

(h) The foster parent shall notify the Division representative or contract agency employee within one working day of any civil or criminal charges brought against the foster parent, foster child or any household member.

(i) The foster parent shall comply with the Division's or contract agency's system for receipt of reimbursement. The Division or contract agency shall comply with the system for payment of reimbursement. The foster parent and the Division shall comply with the provisions of the agreement between the foster family and the Division, see N.J.A.C. 10:122C-2.10, Foster home approval.

(j) The foster parent shall participate with the Division representative or contract agency employee in establishing the role of the foster parent in working with the parent to achieve the case goal, including parent-child and sibling visitation, and how the Division or the contract agency shall support the foster parent in fulfilling his or her role.

10:122C-1.13 Sleeping space

(a) The foster parent shall provide each foster child with his or her own bed which is located in a bedroom, along with adequate space for personal possessions.

(b) The foster parent shall comply with the following requirements for sharing bedrooms:

1. No foster child shall sleep in the same room with a child of the opposite sex, when any of the children, including the foster child, is more than five years of age.

2. A foster child who is 24 months of age or older shall not share a bedroom with an adult, unless:

i. The adult is the foster child's biological or adoptive mother or father;

ii. Medical reasons for the foster child to share a bedroom with an adult have been documented;

iii. The adult is a foster child, biological child or adoptive child who has turned 18 years of age and has been previously sharing the same room with the remaining foster child(ren) in the room for the previous six months or longer; or

iv. The bedroom arrangement is due to a temporary situation, such as a vacation.

10:122C-1.14 Life safety factors

(a) The foster parent shall maintain all indoor and outdoor areas of the foster home in a safe and sanitary manner which does not create any condition of poor hygiene or physical hazard. The foster parent's home shall comply with all local and State laws, including the State Uniform Construction Code, N.J.A.C. 5:23, regarding occupancy of a dwelling and health and fire standards. When a foster home is in a building designated as R-1 or R-2, three or more family living units, as designated by the State Uniform Construction Code, the building shall have:

1. A Certificate of Occupancy; and

2. A fire safety certificate.

(b) The Division representative or contract agency employee shall assess sanitary and safety conditions in all areas of the home, including basements, attics, grounds and outbuildings.

(c) The foster parent shall ensure that each room which is used as a bedroom for a foster child is in compliance with all standards for indoor safety and

sanitation, as listed in this section, and, in addition, shall meet the following requirements:

1. Two independent means of exit shall exist, at least one of which is an operable window or door suitable for emergency escape or rescue which leads directly outside;
2. The area shall have finished surfaces on walls, floors, ceilings, etc.;
3. A minimum of one window per room shall open for ventilation and shall have screening;
4. Each bedroom occupied by a foster child shall have a minimum ceiling height of seven feet;
5. Each bedroom occupied by a foster child shall provide a minimum of 50 square feet of floor space per occupant, including space that is occupied by furniture, except as specified in (c)6 below; and
6. Each bedroom occupied by one or more infants or toddlers, four years of age or under, shall provide a minimum of 50 square feet of floor space for the first occupant and 30 square feet of floor space for each additional infant or toddler, including space that is occupied by furniture.

(d) The foster parent's daily practices regarding indoor sanitation and safety shall meet the following standards:

1. Insect or rodent infestation shall not be evident;
2. Major plumbing, drains, sewer lines, and septic systems shall be operable. Hot and cold running water shall be available in the residence;
3. Garbage shall be kept in receptacles. Garbage storage and removal from the house shall not present a health risk;
4. Indoor pets, kept by the foster family, shall not present a health risk or danger to a child. The foster parent shall provide proof that each cat and dog has a current vaccination against rabies;
5. The home shall have at least one smoke detector on each floor, at least one fully charged fire extinguisher (1A, 10BC or ABC), and an unobstructed means of exit in case of fire. Combustible and flammable materials shall not be stored adjacent to or near a furnace or other heat source or accumulated in the attic, basement or other parts of the residence in an unsafe manner;
6. Emergency telephone numbers shall be posted by the telephone;
7. Lighting shall be sufficient to prevent accidents. There shall be no observable electrical hazards;
8. The home shall have a stove and refrigerator which are clean and in working order;
9. Firearms, other weapons and potentially dangerous implements shall be stored in a locked area out of the reach of children. Poisons, drugs and dangerous cleaning supplies shall be labeled and stored in places inaccessible to children;

10. Windows in living and sleeping areas shall be intact and allow for adequate ventilation. Doors and windows used for ventilation shall have screening;

11. The foster home shall have central heat. The temperature in the living areas used by any foster child shall be maintained at a minimum of 65 degrees Fahrenheit during waking hours when any foster child is present;

12. Paint on interior surfaces shall not be flaking, peeling or chipped;

13. The home shall be generally clean, in good repair and free of clutter which would present a hazard; and

14. All areas or equipment which present a high risk for accidents shall be safeguarded.

(e) The foster parent's daily practices regarding outdoor sanitation and safety shall meet the following standards:

1. Garbage shall be kept in receptacles, with organic garbage kept covered. Garbage storage shall not present a health risk;

2. The exterior of the residence shall provide protection against infestation from rodents, insects, etc.;

3. The land, including the outdoor play area, shall be free of standing surface water;

4. Each pet or domestic animal shall not present a health risk or danger to any child;

5. Paint on exterior surfaces which are accessible to any child shall not be flaking, peeling or chipped;

6. The exterior of the residence shall be generally free of hazards and clutter. Entrance ways and stairways shall be lighted. Each stairway, balcony, landing and porch shall be maintained to minimize the possibility of tripping or falling; and

7. Every outdoor area and piece of equipment which present a high risk for accidents shall be safeguarded.

(f) The foster home shall be accessible to the Division representative and contract agency employee by motor vehicle. A foster family shall have a telephone in the residence so that the Division and the contract agency can contact the foster family directly and immediately when necessary.

10:122C-1.15 Special Home Service Provider (SHSP) requirements

(a) In addition to all of the applicable requirements for a foster parent specified in this chapter, a foster parent designated by the Division as a Special Home Service Provider (SHSP) shall:

1. Maintain current certification in Infant Cardio-Pulmonary Resuscitation (CPR);

2. Complete disease-specific training for each medically fragile child placed into the home;

3. Maintain a weekly or monthly medical journal for each medically fragile child as required by the Division's medical unit or nurse consultant; and

4. Maintain a smoke-free environment in the home and vehicle when used for a medically fragile child.

i. The foster parent or household member may smoke outdoors.

ii. The foster parent or household member may smoke in a self-contained room in the home that does not have ventilation into areas used by a medically fragile child.

(b) Employment by the foster parent outside the home shall be permitted with the following restrictions:

1. In a home where there is a single primary caretaker, employment by the foster parent outside the home shall not exceed 10 hours per week, unless the foster parent obtains special approval from the Division's Assistant Director of Program Operations/Adoption Operations.

2. In a home where there are two primary caretakers, each caretaker may be employed outside the home, but their hours of employment shall not occur simultaneously.

(c) A SHSP home shall not have more than a total of five children living in the home, including medically fragile children, regular foster children, biological children and adoptive children, unless the foster parent obtains special approval from the Division's Assistant Director of Program Operations/Adoption Operations.

(d) The special approval specified in (b) and (c) above shall be based on an assessment by the Division's Assistant Director of Program Operations/Adoption Operations of the foster parent's ability to ensure adequate care and supervision of the foster children based on the children's individual needs.

SUBCHAPTER 2. STUDY AND APPROVAL OF FOSTER HOMES

10:122C-2.1 Application for a license

- (a) No person shall operate a foster home without first securing a license from the Bureau.
- (b) An applicant for an initial license shall submit a completed application to the appropriate Regional Foster Home Unit of the Division, contract agency or other public or private agency authorized to place children in New Jersey.
- (c) A foster parent applying to the Bureau for a renewal of a license shall submit a completed application form to the Bureau at least 45 calendar days prior to the expiration of the existing license.

10:122C-2.2 Forms to be completed

- (a) Prior to approval as a foster parent, the applicant shall complete:
 - 1. A signed Foster and Adoptive Home Study Application, including the applicant's name, address, telephone number, date and place of birth, sex, race/ethnicity, religion, language, citizenship, education, Social Security number, marital status, health history, employment, and experience with children, and the name, relationship, date of birth, sex, Social Security number, occupation, school/day care, and physician for all household members;
 - 2. A State and Federal Criminal History Record Information (CHRI) fingerprint background check, pursuant to N.J.S.A. 30:4C-26.8, for each applicant and household member 18 years of age or older, each new adult household member and each child who reaches 18 years of age, including the individual's name, address, date of birth, place of birth, citizenship, sex, race, height, weight, hair color, eye color, and Social Security number;
 - 3. A Child Abuse Record Information (CARI) background check for each applicant and household member 18 years of age or older, each new adult household member and each child who reaches 18 years of age, including the individual's name, address, date of birth, sex, race, and Social Security number;
 - 4. For each household member 14 years of age or older, a disclosure of any convictions for crimes or disorderly persons offenses;
 - 5. A signed Background Check Consent Form for each applicant and household member 18 years of age or older, each new adult household member and each child who reaches 18 years of age, indicating the individual's consent for the Department to conduct CHRI and CARI background checks, and for the release of information concerning the individual by local, county and State police and law enforcement agencies; and

6. A signed Foster Family Care Agreement, indicating the applicant's agreement to provide foster care services in accordance with the responsibilities set forth in the Agreement.

10:122C-2.3 Medical reference

(a) The applicant shall provide a medical reference from a physician on each applicant and household member. The medical reference shall be based on the physician's examination of the applicant or household member within six months of completion of the medical reference. The medical reference shall include all of the following information:

1. Whether the individual is free from serious contagious disease;
2. Whether the individual has any conditions or residual effects resulting from a particular disease;
3. Whether the individual is in good physical health;
4. An immunization history if the individual is below 18 years of age;
5. To the physician's knowledge, whether the individual is in good emotional health;
6. To the physician's knowledge, whether the individual uses any substance, such as tobacco, alcohol or drugs, in a way which affects his or her ability to function;
7. Whether the individual should not care for or associate with a foster child;
8. How long the individual has been a patient of the physician; and
9. The date the physician last examined the individual.

(b) The foster parent shall provide the Division with a medical reference completed by a physician as described in (a) above for each new household member.

10:122C-2.4 Other references

(a) Each applicant and potential primary caretaker shall provide three written personal references from persons unrelated to the applicants. Applicants from the same household may provide the same personal reference, provided that the reference has knowledge of both applicants.

1. At least one personal reference shall have known the applicant for five years.
2. At least one personal reference shall have been a neighbor of the applicant within the last six months.

(b) Each applicant and potential primary caretaker shall provide employment, school and day care, and child care references, as appropriate, including a

reference from any child placement agency other than the Division with which the applicant is or has been affiliated.

1. If the applicant states that a current job reference will jeopardize the applicant's employment status, the applicant shall provide a reference from a previous employer.

2. If a previous employer is not available, the applicant shall provide a reference from an appropriate alternative such as a former teacher or the applicant's supervisor in a volunteer activity.

(c) For each new household member who is identified as a potential primary caretaker, the applicant or foster parent shall submit personal, employment, school/day care and child care references.

10:122C-2.5 Criminal History Record Information background checks

(a) As a condition of securing and maintaining a license, the applicant or foster parent shall ensure that a State and Federal Criminal History Record Information (CHRI) fingerprint background check, in keeping with the New Jersey Adoption and Safe Families Act, P.L. 1999, c.53, N.J.S.A. 30:4C-26.8, is completed for each applicant, each household member at least 18 years of age, each new household member at least 18 years of age, and each child who reaches 18 years of age.

(b) If the applicant or any person specified in (a) above refuses to consent to a CHRI fingerprint background check, the Division shall deny the application or suspend, revoke or refuse to renew the license, as applicable.

(c) If any person specified in (a) above has a record of criminal conviction, the Department of Human Services shall review the record with respect to the type and date of the criminal offense and make a determination as to the suitability of the applicant to receive a license.

(d) A person shall be disqualified from receiving a license as a foster parent if that person or any person specified in (a) above ever committed a crime which resulted in a conviction for:

1. A crime against a child, including endangering the welfare of a child and child pornography pursuant to N.J.S.A. 2C:24-4; or child abuse, neglect, or abandonment pursuant to N.J.S.A. 9:6-3;

2. Murder pursuant to N.J.S.A. 2C:11-3 or manslaughter pursuant to N.J.S.A. 2C:11-4;

3. Aggravated assault which would constitute a crime of the second or third degree pursuant to subsection b of N.J.S.A. 2C:12-1;

4. Stalking pursuant to P.L.1992, c.209 (N.J.S.A. 2C:12-10);

5. Kidnapping and related offenses including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure, or isolated area pursuant to N.J.S.A. 2C:13-1 through 2C:13-6;

6. Sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.A. 2C:14-2 through N.J.S.A. 2C:14-4;

7. Robbery which would constitute a crime of the first degree pursuant to N.J.S.A. 2C:15-1;

8. Burglary which would constitute a crime of the second degree pursuant to N.J.S.A. 2C:18-2;

9. Domestic violence pursuant to P.L.1991, c.261 (N.J.S.A. 2C:25-17 et seq.);

10. Endangering the welfare of an incompetent person pursuant to N.J.S.A. 2C:24-7 or endangering the welfare of an elderly or disabled person pursuant to N.J.S.A. 2C:24-8;

11. Terrorist threats pursuant to N.J.S.A. 2C:12-3;

12. Arson pursuant to N.J.S.A. 2C:17-1, or causing or risking widespread injury or damage which would constitute a crime of the second degree pursuant to N.J.S.A. 2C:17-2; or

13. An attempt or conspiracy to commit an offense listed in (d)1 through 12 above.

(e) A person shall be disqualified from receiving a license as a foster parent if that person or any person specified in (a) above was convicted of one of the following crimes and the date of release from confinement occurred during the preceding five years:

1. Simple assault pursuant to subsection a of N.J.S.A. 2C:12-1;

2. Aggravated assault which would constitute a crime of the fourth degree pursuant to subsection b of N.J.S.A. 2C:12-1;

3. A drug-related crime pursuant to P.L.1987, c.106 (N.J.S.A. 2C:35-1 et seq.);

4. Robbery which would constitute a crime of the second degree pursuant to N.J.S.A. 2C:15-1;

5. Burglary which would constitute a crime of the third degree pursuant to N.J.S.A. 2C:18-2; or

6. An attempt or conspiracy to commit an offense listed in (e)1 through 5 above.

(f) The "date of release from confinement" in (e) above means the date of termination of court-ordered supervision through probation, parole, or residence in a correctional facility, whichever date occurs last.

(g) A conviction for one of the offenses enumerated in (d) or (e) above shall be determined to have occurred if the person has been convicted under the laws of

this State or any other state or jurisdiction for an offense that is substantially equivalent to the offenses enumerated in these subsections.

(h) If the Division is notified that any person specified in (a) above is convicted of a crime or offense after the CHRI has been completed, the Division shall make a determination whether to suspend or revoke the foster parent's license.

(i) The Division may issue a license to an applicant for a period not to exceed six months, upon completion of the State portion of the CHRI by a person specified in (a) above, pending completion and review of the Federal portion of the CHRI, if all of the following conditions have been met:

1. The State portion of the CHRI indicates no information which would disqualify the person;

2. The person who is the subject of the CHRI submits a sworn statement to the Division attesting that the person does not have a record of criminal history which would disqualify the person; and

3. The applicant is in substantial compliance with this chapter and the Division has determined there is no risk to a child's health or safety.

(j) The Division may obtain a criminal history check from the local police department for any applicant or household member at least 18 years of age. The applicant shall submit release of information forms for a local criminal history check (DYFS 5-25) for any person specified in (a) above when requested by the Division.

10:122C-2.6 Child Abuse Record Information background checks

(a) As a condition of securing and maintaining a license, the applicant or foster parent shall provide written consent to the Division for a Child Abuse Record Information (CARI) background check from each applicant, each household member at least 18 years of age, each new household member at least 18 years of age, and each child who reaches 18 years of age.

(b) If any person specified in (a) above refuses to consent to a CARI background check, the Division shall deny the application or suspend, revoke or refuse to renew the license, as applicable. The applicant or foster parent may appeal the denial, suspension, revocation or refusal to renew to the Division, as specified in N.J.A.C. 10:122C-2.11.

(c) Upon receipt of written consent from a person specified in (a) above, the Division shall conduct a search of its records to determine if an incident of child abuse or neglect has been substantiated, pursuant to section 4 of P.L.1971, c.437 (N.J.S.A. 9:6-8.11), against the person. The Division shall consider incidents of

child abuse and/or neglect that were substantiated on or after June 29, 1995, to ensure that the perpetrator has had an opportunity to appeal a substantiated finding of child abuse and/or neglect. The Division may consider substantiated incidents prior to that date if the Division, in its judgment, determines that the perpetrator poses a risk of harm to children in a foster home. In cases involving incidents substantiated prior to June 29, 1995, the Division shall offer the perpetrator an opportunity for a hearing to contest the substantiation.

(d) If the Division determines that an incident of child abuse or neglect by any person specified in (a) above has been substantiated, the Division shall deny the application or suspend, revoke or refuse to renew the license, as applicable; except that the Division may issue a license if all of the following conditions have been met:

1. No person specified in (a) above has caused serious injury or harm to a child, has caused death to a child or has sexually abused a child;
2. A foster child is already living in the home;
3. The Division or placement agency having supervision of the foster child has determined that there is no danger to the foster child if he or she remains in the home;
4. The District Office or Adoption Resource Center Manager and the Assistant Director of Program Operations/Adoption Operations or placement agency having supervision of the foster child have determined that it is in the foster child's best interest to remain in the home; and
5. The Chief of the Bureau of Licensing has given approval for the foster home to remain open for the foster child(ren) already in placement in the home.

10:122C-2.7 Foster parent training

(a) For homes supervised by the Division, all of the following requirements shall be met:

1. Each new foster parent applicant and potential primary caretaker shall complete a minimum of 15 hours of the Parents as Tender Healers (PATH) pre-service training prior to the issuance of a license by the Division.
2. Each primary foster parent shall complete 14 hours of in-service training required by the Division every two years.
3. Each secondary foster parent shall complete seven hours of elective training, approved by the Division, within every subsequent two-year training cycle.
4. Each new spouse or caretaker added to the household shall complete the training specified in (a)1 above within six months.

(b) For homes supervised by a contract agency or placement agency, either of the following requirements shall be met:

1. The training specified in (a) above shall be completed; or
2. Training provided by the contract agency or placement agency may be substituted for the training specified in (a) above, provided that the Division has reviewed and approved the agency's training program.

10:122C-2.8 Home study

(a) The applicant shall permit and participate in a home study by the Bureau and the Division, contract agency or placement agency. The completed home study shall include:

1. Identifying information on each applicant, including:
 - i. Current name and all previous names used including maiden name, if applicable;
 - ii. Current address and all previous addresses within the past ten years, if applicable;
 - iii. Date of birth;
 - iv. A visa or United States Immigration and Naturalization Service documentation as evidence of legal residency, if the applicant is not a citizen of the United States;
 - v. Current occupation and employer's name and address, if applicable;
 - vi. Race and ethnic background;
 - vii. Social Security number;
 - viii. Religion;
 - ix. Education;
 - x. The names and ages of all biological or adopted children currently residing in the home; and
 - xi. The names, ages and addresses of all biological or adopted children currently residing outside of the home;
2. A description of the rooms in the home;
3. A description of each bedroom to be used for foster children;
4. A description of the area outside the home and the neighborhood;
5. The names of all persons residing in the home, other children placed by the Division or other agency, boarders and frequent overnight guests, and an explanation of any temporary or permanent changes to the household composition;
6. A description of the applicant's awareness of and sensitivity to the needs of a foster child who may be placed in the home;
7. The applicant's interests, hobbies, child caring skills, strengths and weaknesses;
8. The applicant's emotional stability and maturity in dealing with problems, frustration and stress associated with the placement of a child into the home;
9. The state of the applicant's marital relationship, if applicable,

including decision-making, communication and roles in the family;

10. The attitudes toward foster care of other members of the family and other persons who reside in the home;

11. The applicant's family history, including childhood experiences, parental method of discipline and problem solving, if applicable;

12. The applicant's agreement not to use unacceptable methods of discipline, including corporal punishment, hitting and shaking, abusive language, ridicule, humiliation, other forms of degradation, deprivation of meals or sleep, forcing a child to do strenuous physical work, denying the child communication or mail, threatening to remove the foster child from the home, threatening to deny family visits, or denying the child access to needed treatment services or medication;

13. Verification of the applicant's marriages and divorces, if applicable;

14. A statement of income and financial resources;

15. A description of the age, sex and needs of the child(ren) that the applicant feels he or she can accept into the home;

16. The applicant's current family problems, if any, including mental illness, drug and alcohol abuse or other health problems;

17. A statement of the applicant's capacity and willingness to transport the foster child in a motor vehicle; and

18. A visit to the applicant's home by a Division representative, during which each applicant and household member shall be present.

(b) For license renewal, the foster parent shall permit and participate in the on-site portion of the foster home study by the Bureau, which shall include:

1. In-depth interviews with each foster parent and foster child;

2. Interviews with other persons who reside in the home, as necessary;

3. When appropriate, a description of the attitudes and feelings of the foster parent's biological and adopted children who currently reside in the home regarding foster children placed in their home;

4. An assessment of the physical plant of the home;

5. An assessment of the outside area and the surrounding neighborhood; and

6. Relevant information on the home obtained from the District Office or ARC and Regional Foster Home Unit.

(c) Upon completion of the home study, the Bureau shall:

1. Notify the Regional Foster Home Unit, ARC, contract agency or placement agency as to whether the foster parent is approved for licensure; and

2. Issue a license to the foster parent, if the foster parent is in substantial or full compliance with this chapter.

(d) When the foster parent is in substantial compliance with licensing

requirements, the Bureau shall notify the foster parent in writing of the corrective action to be taken to achieve full compliance and the time frame in which such action is to be completed.

10:122C-2.9 Issuance of a license

(a) The Bureau shall issue a license to a foster parent who has achieved compliance with all applicable provisions of this chapter.

(b) The Bureau shall conduct an annual inspection of each foster home to evaluate its continued compliance with the applicable provisions of this chapter.

(c) If the Bureau determines that the foster parent is in substantial compliance with, but does not meet all, applicable provisions of this chapter, and there is no serious or imminent hazard to the safety, education, health, well-being or treatment needs of a foster child, the Bureau shall issue a license to the foster parent and indicate in writing the steps the foster parent must take to correct the areas not in compliance and the time frame in which such action is to be completed.

(d) Each licensing period shall be three years.

1. In determining the expiration date of the license, the Bureau shall compute the three-year licensing period from the date of issuance of the first license.

2. In determining the expiration date of a renewed license, the Bureau shall compute the three-year licensing period from the date on which the previous license expired. If, however, the home has ceased to operate for a period of one year or more following the expiration date of its previous license, the Bureau shall compute the date of expiration from the date of issuance of a new license.

(e) The license shall be issued to a specific person(s) at a specific residence and shall not be transferable.

(f) Only one license shall be issued to a single residence.

(g) The foster parent shall maintain the license on file at the home.

(h) No foster parent shall make claims either in advertising or in any written or verbal announcement or presentation contrary to the licensing status of the home.

10:122C-2.10 Denying, suspending, revoking or refusing to renew a license

(a) The Bureau shall deny an application for a license if the foster parent applicant or a household member at least 18 years of age has been convicted of a crime or offense specified in N.J.A.C. 10:122C-2.5(d) and (e).

(b) The Bureau may deny an application or suspend, revoke or refuse to renew a license, as applicable, for good cause, including, but not limited to, the following:

1. Failure to comply with the provisions of this chapter;
2. Violation of the terms and conditions of a license;
3. Fraud or misrepresentation in obtaining a license;
4. Refusal to furnish the Division with files, reports or records as required by this chapter;
5. Refusal to permit an authorized representative of the Division to gain admission to the home to conduct an inspection or investigation;
6. A conviction by the foster parent applicant, foster parent or a household member at least 18 years of age for any crime or offense;
7. A determination by the Division that an allegation of child abuse or neglect by the foster parent applicant, foster parent or a household member at least 18 years of age has been substantiated; or
8. Any activity, policy, or personal conduct that adversely affects or is deemed by the Bureau to be detrimental to the safety, education, health, well-being or treatment needs of a foster child, or that otherwise demonstrates unfitness by the foster parent applicant, foster parent or other household member to operate or reside in a foster home.

(c) A previous denial of an application or suspension, revocation or refusal to renew a license shall not in itself result in an automatic disqualification of the foster parent to secure a license, but shall constitute grounds for the Bureau to investigate the circumstances that led to the original negative action and to make a determination as to whether to reject or process the new application for a license.

(d) The Bureau shall provide written notice to the foster parent if it intends to deny an application or suspend, revoke, or refuse to renew a license. The notice shall specify the Bureau's reasons for such action.

(e) If the Bureau denies an application, or revokes or refuses to renew a license, as specified in (a) or (b) above, the person shall be prohibited from reapplying for a license for one year from the date of the denial, revocation or refusal to renew. After the one-year period has elapsed, the person may submit to the Regional Foster Home Unit or other appropriate agency a new application for a license, if he or she believes that the condition that led the Bureau to deny the application or revoke or refuse to renew the license is no longer applicable.

(f) If a license is suspended, the Bureau shall issue or reinstate the license

once the foster parent achieves compliance with the provisions of this chapter. In such a case, the Bureau shall not require the foster parent to submit a new application for a license unless such reapplication is expressly made a condition of the issuance or reinstatement of the license.

(g) Each license issued by the Bureau to a foster parent remains the property of the State of New Jersey. If the Bureau suspends or revokes a license, the foster parent shall return the license to the Bureau immediately.

10:122C-2.11 Administrative hearings

(a) If a foster parent fails to comply with all applicable provisions of this chapter, the Bureau shall issue a directive ordering compliance. Before the Bureau's decision to deny an application or suspend, revoke or refuse to renew a license becomes effective, the foster parent shall have the opportunity to request a hearing to contest the Bureau's action, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) As long as the Division determines that children are not at risk and that no imminent hazard exists, the Bureau may permit a foster parent who has requested a hearing, as specified in (a) above, to continue to operate the foster home until a final decision is rendered as a result of the hearing.

10:122C-2.12 Complaints

(a) Whenever the Bureau receives a report questioning the approval status or compliance of a foster parent or alleging a violation of the requirements specified in this chapter, the Bureau shall ensure that the allegation is promptly investigated to determine whether the complaint is confirmed.

(b) Upon completion of the complaint investigation, the Bureau shall notify the foster parent and the Regional Foster Home Unit, contract agency or other public or private agency that has supervision of the foster home, in writing of the results of the investigation within 30 days, with the exception of any information not permitted to be disclosed pursuant to the Child Abuse and Neglect Law, N.J.S.A. 9:6-8.10a, or any other State or Federal law.

(c) Whenever the Division conducts complaint investigations through its Bureau of Licensing, Institutional Abuse Investigation Unit (IAIU), Regional Foster Home Unit, District Office or Adoption Resource Center (ARC), the foster parent shall cooperate with all Division investigators.

(d) The Division, during the course of investigating an allegation of child abuse and neglect, may determine that immediate corrective action is necessary to protect the foster child whenever:

1. A foster parent or household member has been found by the Division to have harmed or to pose a risk of harm to a child;
2. A foster parent or household member has committed an act of child abuse or neglect, as substantiated by the Division; or
3. A foster parent or household member has been convicted of such acts.

(e) When the Division makes such a determination for immediate remedial action and/or long-term corrective action, such action may include temporary or permanent closure of the foster home.

(f) Substantiation by the Division of a child abuse or neglect allegation shall not in itself automatically result in the suspension or revocation of a foster parent's license, but shall constitute grounds for possible suspension or revocation if the foster parent's continued service would place any foster child at risk. The Bureau shall make such a determination after considering information provided by the IAIU, the District Office or ARC, and the Regional Foster Home Unit.

10:122C-2.13 Confidentiality of foster home records

(a) Licensing files maintained by the Bureau are confidential to protect the safety and welfare of the foster children and foster parents and shall not be part of the public record, in keeping with the Open Public Records Act, P.L. 2001, c.404, or other applicable statutes. The Bureau may issue statistical reports depicting foster home licensing activity that shall be part of the public record, but such reports shall not contain any identifying information on any individual foster home or foster child.

(b) The foster parent shall be bound by the same standards of confidentiality regarding a foster child who is under Division supervision, and the child's family, as the Division and its employees. These standards shall include, but are not limited to, the following:

1. A foster child shall not appear in any media publication or report without the express consent of the birth/legal parent or Division representative; and
2. The foster parent or household member shall not discuss any confidential information about the foster child with a friend, neighbor, non-household member nor other individual who is not involved with the foster child's care or treatment.